

**FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 21, 2007**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed 70 members present.

Prayer was offered by Representative Ring.

The Pledge of Allegiance was led by Stacie Monaghan, Page.

Approval of Journal

February 21, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-fourth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 20, 2007

Mr. Speaker:

I transmit herewith enrolled **S 1017**, as amended, and **S 1071** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1017**, as amended, and **S 1071** and, when so signed, ordered them returned to the Senate.

February 20, 2007

Mr. Speaker:

I return herewith enrolled **H 19**, **H 21**, and **H 93** which have been signed by the President.

WOOD, Secretary

Enrolled **H 19**, **H 21**, and **H 93** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 20, 2007

Mr. Speaker:

I transmit herewith **S 1002**, **S 1003**, **S 1043**, **S 1090**, **S 1091**, **S 1092**, and **S 1086** which have passed the Senate.

WOOD, Secretary

S 1002, **S 1003**, **S 1043**, **S 1090**, **S 1091**, **S 1092**, and **S 1086** were filed for first reading.

February 20, 2007

Mr. Speaker:

I return herewith **H 69**, **H 70**, and **H 14** which have passed the Senate.

WOOD, Secretary

H 69, **H 70**, and **H 14** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 21, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 210**, **H 211**, **H 212**, **H 213**, **H 214**, **H 215**, **H 216**, **H 217**, and **H 218** and House Amendments to **HJM 1**, **H 184**, **H 125**, and **H 174**.

CLARK, Chairman

H 210, **H 211**, **H 212**, **H 213**, **H 215**, and **H 216** were referred to the Revenue and Taxation Committee.

H 214 and **H 218** were referred to the State Affairs Committee.

H 217 was referred to the Education Committee.

February 21, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 23**, **H 64**, and **H 66**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **H 23**, **H 64**, and **H 66**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 21, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **HJM 1**, as amended, **H 184**, as amended, **H 125**, as amended, and **H 174**, as amended.

CLARK, Chairman

HJM 1, as amended, **H 184**, as amended, **H 125**, as amended, and **H 174**, as amended, were filed for first reading of engrossed bills.

February 20, 2007

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 205** and recommend that it do pass.

TRAIL, Chairman

H 205 was filed for second reading.

February 20, 2007

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration **HCR 13** and recommend that it do pass.

RAYBOULD, Chairman

HCR 13 was filed for second reading.

February 20, 2007

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **HCR 15**, **H 157**, **H 164**, and **H 158** and recommend that they do pass.

BLOCK, Chairman

HCR 15, **H 157**, **H 164**, and **H 158** were filed for second reading.

February 21, 2007

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 123** and recommend that it do pass.

LOERTSCHER, Chairman

H 123 was filed for second reading.

February 20, 2007

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 166** and report it back with amendments attached to be placed on General Orders for consideration.

BLOCK, Chairman

H 166 was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 19 BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DIVISION OF VOCATIONAL REHABILITATION PERTAINING TO STANDARDS GOVERNING EXTENDED EMPLOYMENT SERVICES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Division of Vocational Rehabilitation pertaining to Standards Governing Extended Employment Services are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 47.01.02, Standards Governing Extended Employment Services, Section 100, relating to Certification of Providers, Subsections 02, 04.c and 04.d, only, Rules of the Division of Vocational Rehabilitation, as adopted as pending rules under Docket Number 47-0102-0601, be, and the same are hereby rejected and declared null, void and of no force and effect.

HOUSE CONCURRENT RESOLUTION NO. 20 BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE IDAHO BOARD OF NURSING.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Idaho Board of Nursing is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 23.01.01, Rules of the Idaho Board of Nursing, Section 100, relating to Grounds for Discipline, Subsection 12, Failure to Cooperate With Authorities, only, Rules of the Idaho Board of Nursing, as adopted as a pending rule under Docket Number 23-0101-0601, be, and the same is hereby rejected and declared null, void and of no force and effect.

HOUSE CONCURRENT RESOLUTION NO. 21 BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DEPARTMENT OF HEALTH AND WELFARE GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP).

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare Governing the

Idaho Child Care Program (ICCP) are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.06.12, Rules of the Department of Health and Welfare, Rules Governing the Idaho Child Care Program (ICCP), adopted as pending rules under Docket Number 16-0612-0601 (Chapter Repeal), the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

**HOUSE CONCURRENT RESOLUTION NO. 22
BY EDUCATION COMMITTEE**

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND ENCOURAGING PUBLIC AND PRIVATE SCHOOLS AND PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION IN IDAHO TO RECOGNIZE OCTOBER AS "DISABILITY HISTORY MONTH" AND TO PROVIDE INSTRUCTION AND EVENTS RELATED THERETO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, in order to ensure the full inclusion of people with disabilities into society, it is necessary to expand the public's knowledge, awareness and understanding of the history of people with disabilities and the disability rights movement; and

WHEREAS, a 2005 study conducted by Boise State University on behalf of the Idaho Independent Living Council found that approximately 45% of the households in Idaho include at least one person with a disability; and

WHEREAS, the disability rights movement is a civil rights movement that is an important part of the history of this state and country; and

WHEREAS, October is recognized nationally as Disability Awareness Month; and

WHEREAS, there is a need to include instruction on disability history, people with disabilities and the disability rights movement into the existing public school curriculum; and

WHEREAS, there is a need to increase the awareness and understanding of the history and contributions of people with disabilities in this state, the nation and worldwide by designating the annual observation of the month of October as "Disability History Month"; and

WHEREAS, by designating October as "Disability History Month," students and the public will have the opportunity to learn about the history and contributions of people with disabilities.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the public and private schools and the public and private institutions of higher education in Idaho are encouraged to recognize October as "Disability History Month" and to provide as part of that recognition, instruction on disability history, people with disabilities and the disability rights movement. Public and private schools and public and private institutions of higher

education are encouraged to integrate this instruction into the existing school curriculum by such activities as supplementing existing lesson plans and holding school assemblies or other school-related activities with guest speakers.

HCR 19, HCR 20, HCR 21, and HCR 22 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 219
BY EDUCATION COMMITTEE**

AN ACT

RELATING TO RESIDENCY REQUIREMENTS FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO REVISE THE DEFINITION OF "RESIDENT STUDENT," TO PROVIDE A PRESUMPTION OF INTENT TO BE IN IDAHO FOR PRIMARILY EDUCATIONAL PURPOSES, TO PROVIDE CONDITIONS THAT PROVE THE ESTABLISHMENT AND MAINTENANCE OF A DOMICILE IN IDAHO FOR PURPOSES OTHER THAN EDUCATIONAL PURPOSES AND TO PROVIDE FACTORS THAT MAY INDICATE INTENT TO ESTABLISH AND MAINTAIN A DOMICILE IN IDAHO FOR PURPOSES OTHER THAN EDUCATIONAL.

**HOUSE BILL NO. 220
BY EDUCATION COMMITTEE**

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO REVISE RESIDENCY REQUIREMENTS AND TO PROVIDE FOR CONFIDENTIALITY OF STUDENT INFORMATION; AND AMENDING SECTION 33-3720, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

**HOUSE BILL NO. 221
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2007; AND DECLARING AN EMERGENCY.

H 219, H 220, and H 221 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1002, S 1003, and S 1043, by Commerce and Human Resources Committee, were introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

S 1090, S 1091, and S 1092, by Health and Welfare Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

S 1086, by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

First Reading of Engrossed Bills

HJM 1, as amended, by Health and Welfare Committee, was introduced, read the first time by title and filed for second reading.

H 184, as amended, by State Affairs Committee, was introduced, read the first time by title and filed for second reading.

H 125, as amended, and **H 174**, as amended, by Judiciary, Rules, and Administration Committee, were introduced, read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

H 135, by Business Committee, was read the second time by title and filed for third reading.

H 176 and **H 172**, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

H 121, by Health and Welfare Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 7, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake and Mr. Smith(24) to open debate.

The question being, "Shall **H 7**, as amended, pass?"

Roll call resulted as follows:

AYES -- Bell, Black, Block, Bock, Boe, Bolz, Chadderdon, Chavez, Chew, Collins, Durst, Henbest, Killen, King, Lake, LeFavour, Marriott, Pasley-Stuart, Pence, Ring, Ringo, Ruchti, Rusche, Saylor, Shepherd(2), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Trail, Wills. Total -- 33.

NAYS -- Anderson, Andrus, Barrett, Bayer, Bedke, Bilbao, Brackett, Bradford, Clark, Crane, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henderson, Jaquet, Kren, Labrador, Loertscher, Luker, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Patrick, Raybould, Roberts, Schaefer, Shepherd(8), Thayn, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total -- 37.

Absent and excused -- None.

Total -- 70.

Whereupon the Speaker declared **H 7**, as amended, failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

Mr. Black asked unanimous consent that **H 99** be returned to the Business Committee. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:45 a.m., Thursday, February 22, 2007. Seconded by Mr. Saylor. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:32 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

PAMM JUKER, Chief Clerk